



**US Army Corps
Of Engineers**
Wilmington District

PUBLIC NOTICE

Issue Date: February 22, 2008
Comment Deadline: March 24, 2008
Corps Action ID #: 2008-00492

The Wilmington District, Corps of Engineers (Corps) has received an application from Legasus of North Carolina, LLC, seeking Department of the Army authorization to impact approximately 3,890 linear feet of stream channel and 0.48 acre of wetland associated with the construction of a golf course and residential development on a 1,810-acre tract of land known as Webster Creek. This property is located off of Moody Bridge Road near Tuckasegee in Jackson County, North Carolina.

Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at www.saw.usace.army.mil/wetlands

Applicant: Legasus of North Carolina, LLC
Mr. Robert Corliss
C/o Gabe Quesinberry
22 South Pack Square, Suite 700
Asheville, North Carolina 28801

Agent (if applicable): Wetland & Natural Resource Consultants
Ms. Jennifer Robertson
Post Office Box 882
Canton, North Carolina 28716

Authority

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of Section 404 of the Clean Water Act (33 U.S.C. 1344).

Location

The site is located off of Moody Bridge Road near Tuckasegee in Jackson County, North Carolina (35.284029°N, 83.147880°W). The site contains several named streams and unnamed tributaries with adjacent wetlands. The names of the tributaries are listed below. All stream channels on the site ultimately drain into the Tuckasegee River which flows into the Little Tennessee River.

Existing Site Conditions

The property is 1,810 acres in size and is predominately forested with an extensive road network throughout the site, with the exception of the most northern portion of the property; this portion of the property contains an old home site and barns surrounded by pasture. There are several other smaller pasture areas dispersed throughout the property. The project site is located within the Mountain physiographic region of North Carolina.

There are approximately 30 different soil types on the property. The dominant soil types are Cullasaja-Tuckasegee complex (CuD), Evard-Cowee complex (EvD), and Trimont (TrE) series. The CuD map unit consists of very deep, well drained soils on benches, toe slopes, foot slopes, drainage ways, and fans in coves in the Blue Ridge. The EvD map unit consists of very deep, well drained, moderately permeable soils on ridges and side slopes of the Blue Ridge. The TrE map unit consists of very deep, well drained, moderately permeable soils on cool north- to east-facing or shaded side slopes and heads of coves in the Blue Ridge.

The dominant forest type is Mixed Mesic Forest; this forest type occupies rich, acidic, moist, well-drained sites and contains the most diverse plant communities in the Southeast. The dominant tree species are American beech (*Fagus grandifolia*) and oaks, specifically northern red oak (*Quercus rubra*) and white oak (*Quercus alba*) as the dominant tree species. Other tree species that are abundantly common in these forests include: ash, hickory, Fraser's magnolia, red maple, tulip poplar, hemlock, and buckeye. This forest type also has a very diverse shrub and herbaceous layer. Species at this site include heart's-a-bustin', mountain laurel, pepperbush, ironwood, rhododendron, spice bush, wild hydrangea, black cohosh, bloodroot, doll's eye, false soloman's seal, galax, jewelweed, mayapple, Christmas fern, liverleaf, and alumroot.

Tributaries on site include Cherry Gap Branch and unnamed tributaries, Mill Creek and unnamed tributaries, Mine Branch and unnamed tributaries, Webster Creek and unnamed tributaries, unnamed tributaries to Cullowhee Creek, and unnamed tributaries to the Tuckasegee River. All of the tributaries within the Webster Creek project boundary are tributaries to the Tuckasegee River. The Tuckasegee River is a tributary to the Little Tennessee River, which is a navigable in fact water at the 441 Bridge in downtown Franklin.

Mill Creek, Mine Branch, and Webster Creek make up the majority of the hydrologic systems on site. They are classified as "WS-III, Tr", "WS-III", and "WS-III", respectively. Mill Creek flows west to east on the southern portion of the property, Mine Branch flows west to east on the central portion of the property, and finally Webster Creek flows south to north on the northern portion of the property. The other tributaries on site, Cherry Gap Branch, unnamed tributaries to Cullowhee Creek, and unnamed tributaries to the Tuckasegee River, are classified as "C", "C, Tr" and "WS-III, B, Tr", respectively. A detailed description of the surface water classification system can be found at <http://h2o.enr.state.nc.us/csu/swc.html>

There are over 5 acres of wetlands located on the site. The majority of these wetlands have been identified as wetland seeps and are contiguous with their associated channel. These seeps are on moderate to steep slopes. Their substrate is rocky and they may or may not contain wetland

vegetation. Other wetlands on site include areas that are periodically or permanently inundated by surface or groundwater and support hydrophytic vegetation.

Applicant's Stated Purpose

The purpose of the proposed project as described by the applicant is to develop a residential community with a golf course amenity in Jackson County.

Project Description

The proposed project includes the development of a residential community with 828 residential units, an 18-hole championship golf course, a 20-hole short course, and all associated infrastructure. Proposed impacts to stream channels and wetlands are associated with road crossings and golf course construction. Based on the table below, the applicant is proposing impacts to 3,340 linear feet of stream channel and 0.45 acre of wetlands associated with the construction of the golf course. The majority of these impacts are due to the construction of fairways and the practice range for the golf course. The remainder of the impacts total 550 linear feet of stream and 0.03 acre of wetland associated with the construction of road crossings to access the residential development. In some cases, the applicant is proposing to use existing road crossings which are the historical impacts reflected in the 'Existing Impact' column in the table below. Total proposed impacts associated with this development are 3,890 linear feet of stream channel impact and 0.48 acre of wetland impact.

Golf Impacts: (lf and ac)

Hole #	Type	Stream Impact (linear feet)	Wetland Impact (acres)	Stream
1	perennial	535	0.01	UT Mine Branch
3	perennial	190		UT Mill Creek
4	perennial	35		UT Mill Creek
5	linear		0.03	Mill Creek
7	perennial	390	0.02	UT Mill Creek
8	perennial	140	0.01	UT Mill Creek
11	perennial	520		UT Mill Creek
13	perennial	35	0.01	UT Mill Creek
18	perennial	590	0.05	UT Mine Branch
DR	perennial	905	0.32	UT Mine Branch
total		3340	0.45	

Road Crossing Impacts (lf):

Site #	Stream Type	Stream Impact	Existing Impact	New Impact	
1	perennial	0 (Bridge)	0	0	Webster Creek
2	perennial	0 (Bridge)	0	0	Webster Creek
3	perennial	0 (Bridge)	0	0	UT Webster Creek
4	perennial	40	25	15	UT Webster Creek
5	perennial	25	20	5	UT Webster Creek
6	perennial	0 (Bridge)	20*	0	UT Webster Creek*
7	perennial	45	0	45	UT Webster Creek
8	perennial	75	30	45	UT Webster Creek
9	perennial	0 (Bridge)	0	0	UT Webster Creek
10	perennial	0 (Bridge)	0	0	UT Webster Creek
12	perennial	0 (Bridge)	20*	0	UT Webster Creek*
13	perennial	0 (Bridge)	20*	0	Mine Branch*
14	perennial	0 (Bridge)	20*	0	UT Mine Branch*
17	perennial	60	0	60	UT Webster Creek
18	perennial	0 (Bridge)	0	0	Mine Branch
19	perennial	80	0	80	UT Mine Branch
20	perennial	0 (Bridge)	0	0	UT Mill Creek
21	perennial	100	0	100	Mill Creek
23	perennial	0 (Bridge)	0	0	UT Mill Creek
24	perennial	0 (Bridge)	0	0	UT Mill Creek
25	perennial	65	0	65	UT Mill Creek
27	perennial	60	30	30	UT Cherry Gap Br
28	perennial	0 (Bridge)	20*	0	UT Cherry Gap Br*
31	perennial	0 (Bridge)	0	0	Webster Creek
32	perennial	55	0	55	UT Webster Creek
33	perennial	50	0	50	UT Webster Creek
total		655	200	550	

*Existing Pipes That Would Be Replaced with a Spanning Structure

Road Crossing Impacts (ac):

Site #	Stream Type	Wetland Impact	Existing Impact	New Impact	
21	linear	0.007	0	0.007	Mill Creek
29	vegetated	0.007	0.001	0.006	UT Cherry Gap Br
30	vegetated	0.019	0.003	0.016	UT Cherry Gap Br
total		0.033	0.004	0.03	

Total Stream Impact = 3890 linear feet

Total Wetland Impact = 0.48 acre

The applicant is proposing on-site mitigation to compensate for the above described impacts. Based upon the current plans, the applicant is proposing to restore and enhance 4,285 linear feet of stream and 0.96 acres of wetland in the Webster Creek watershed and 257 feet of stream in the Mill Creek watershed as shown in the table below. In order to prevent piping impacts, the applicant would also relocate and restore 232 feet of an unknown tributary to Mill Creek on the southern end of the property.

There are eight reaches in the lower Webster Creek watershed and the Mill Creek watershed targeted for restoration and enhancement. These reaches have been manipulated due to past agriculture, road construction, logging, mining, and a commercial tree nursery. Some reaches have been manipulated or straightened to conform to past road alignments. Some reaches exhibit bank failures, entrenchment, and overall degradation. The proposed enhancement would be conducted using bio-engineering techniques including root wads, rock vanes, bank stabilization, and vegetative plantings. The mitigation proposal results in a 3.4:1 ratio for stream impacts and a 4.4:1 ratio for wetland impacts.

Webster Creek Mitigation Overview

Mitigation Needed for Stream Impacts

Type of Impact	Amount (l.f.)	Mitigation Ratio (Based on Stream Quality)	Multiplier (Based on Impact)	Final Ratio	Mitigation Requirement (SMU)
Culverts (Streams)	3890	2:1 (Good Quality)	1 (For Fill)	2:1	7780
Total					7780

Mitigation Needed for Wetland Impacts

Type of Impact	Amount (ac.)	Mitigation Ratio (Based on Stream Quality)	Multiplier (Based on Impact)	Final Ratio	Mitigation Requirement
Culverts (Wetlands)	0.48	2:1 (Good Quality)	1 (For Fill)	2:1	0.96
Total					0.96

Mitigation Proposal for Stream Impacts

Type of Mitigation	Method	Amount Proposed (l.f.)	Multiplier (Based on Activity)	SMU
Restoration	on-site	160	1	160
Enhancement Level I	on-site	2608	1	2608
Enhancement Level II	on-site	1774	1.5	1183

Preservation (50' buffer)	on-site	5845	2.5	2338
Preservation (30' buffer)	on-site	34844	5	6969

Total 40689

Total 13257 linear feet
Mitigation in excess of minimum requirements 5477 linear feet

Mitigation Proposal for Wetland Impacts

Type of Mitigation	Method	Amount Proposed (ac.)	Multiplier (Based on Activity)	Acre
Restoration	on-site	0.96	1	0.96
Preservation (50' buffer)	on-site	2.7	2.5	1.1
Preservation (30' buffer)	on-site	0.35	5	0.1

Total 3.05

Total 2.16 acres
Mitigation in excess of minimum requirements 1.2 acres

Other Required Authorizations

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice combined with appropriate application fee at the North Carolina Division of Water Quality central office in Raleigh will constitute initial receipt of an application for a 401 Water Quality Certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, 401 Oversight and Express Permits Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260 Attention: Ms Cyndi Karoly by March 24, 2008.

In addition, this project may be located in a watershed subject to Tennessee Valley Authority (TVA) permit requirements pursuant to Section 26a of the TVA Act. This Public Notice and all application materials are being forwarded to the Little Tennessee Watershed Team, Attention: Ms. Rachel Terrell, 260 Interchange Park Dr., Lenoir City, TN 37772-5664. Questions or comments regarding Section 26a permit requirements should be directed to the above address.

Essential Fish Habitat

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The Corps' initial determination is that the proposed project would not adversely impact EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

Cultural Resources

The Corps has consulted the latest published version of the National Register of Historic Places and is not aware that any registered properties, or properties listed as being eligible for inclusion therein are located within the project area or would be affected by the proposed work. Presently, unknown archeological, scientific, prehistoric, or historical data may be located within the project area and/or could be affected by the proposed work.

Endangered Species

The Corps has reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information, the Corps is not aware of the presence of species listed as threatened or endangered or their critical habitat formally designated pursuant to the Endangered Species Act of 1973 (ESA) within the project area. A final determination on the effects of the proposed project will be made upon additional review of the project and completion of any necessary biological assessment and/or consultation with the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service.

Evaluation

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving

the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

Commenting Information

The Corps of Engineers is soliciting comments from the public, Federal, State and local agencies and officials, including any consolidate State Viewpoint or written position of the Governor, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

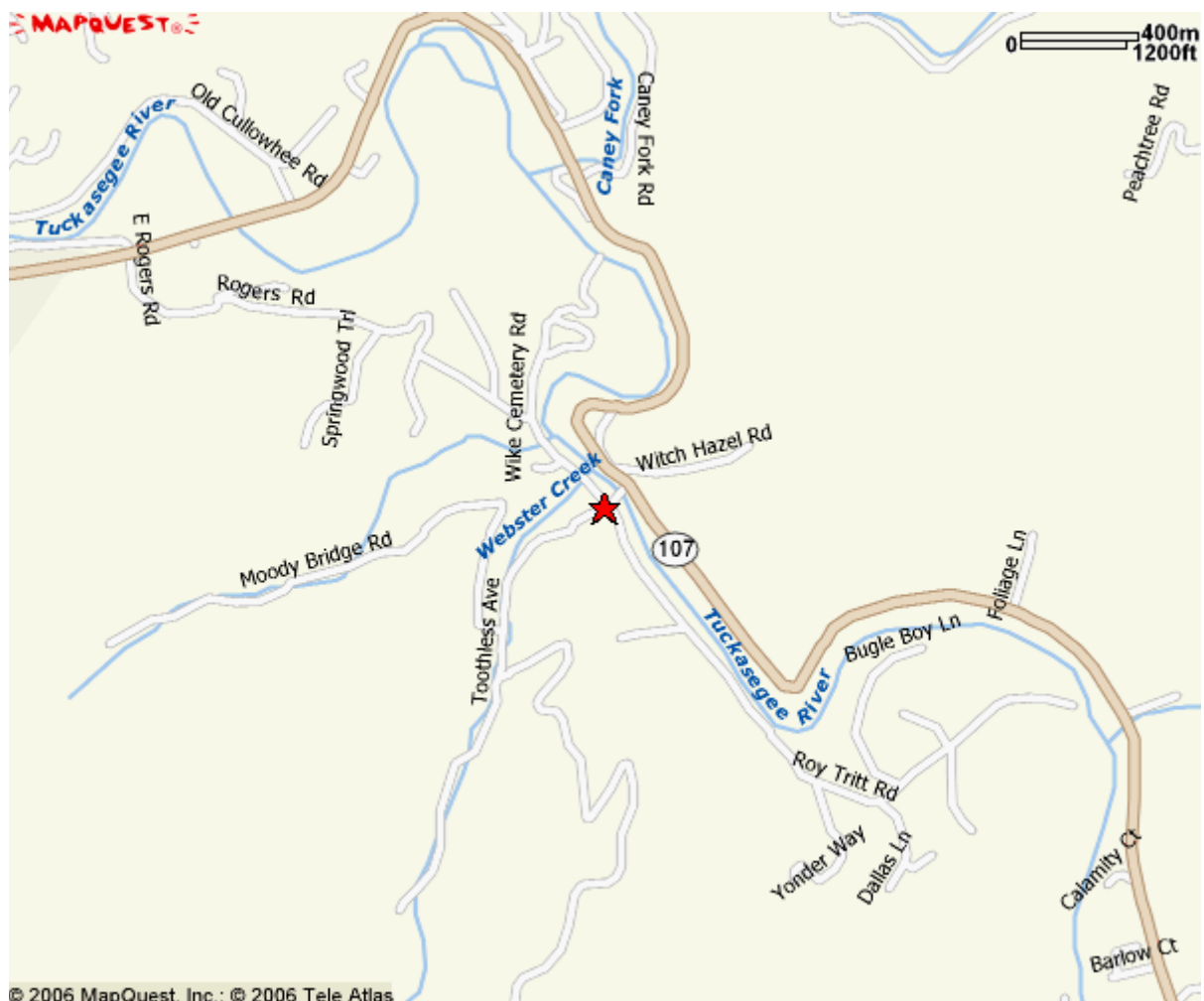
Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, March 24, 2008. Comments should be submitted to USACE, Attn: Lori Beckwith, 151 Patton Avenue Room 208, Asheville, North Carolina 28801.



Moody Bridge Rd & Wike Cemetery Rd
Tuckasegee NC
28783 US

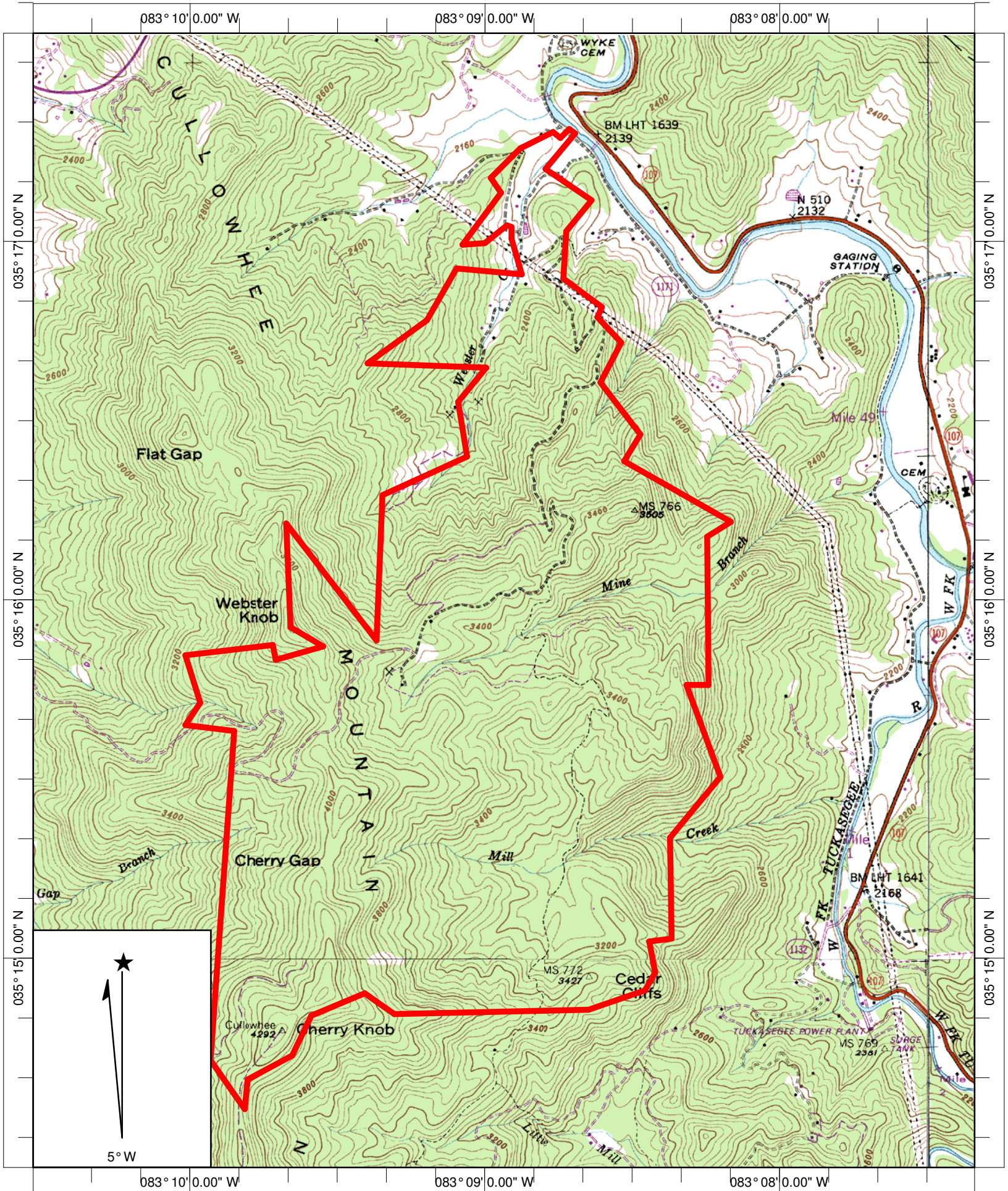
Notes:

Webster Creek
Jackson County
-entrance near intersection of Moody
Bridge Road and Wike Cemetery Road



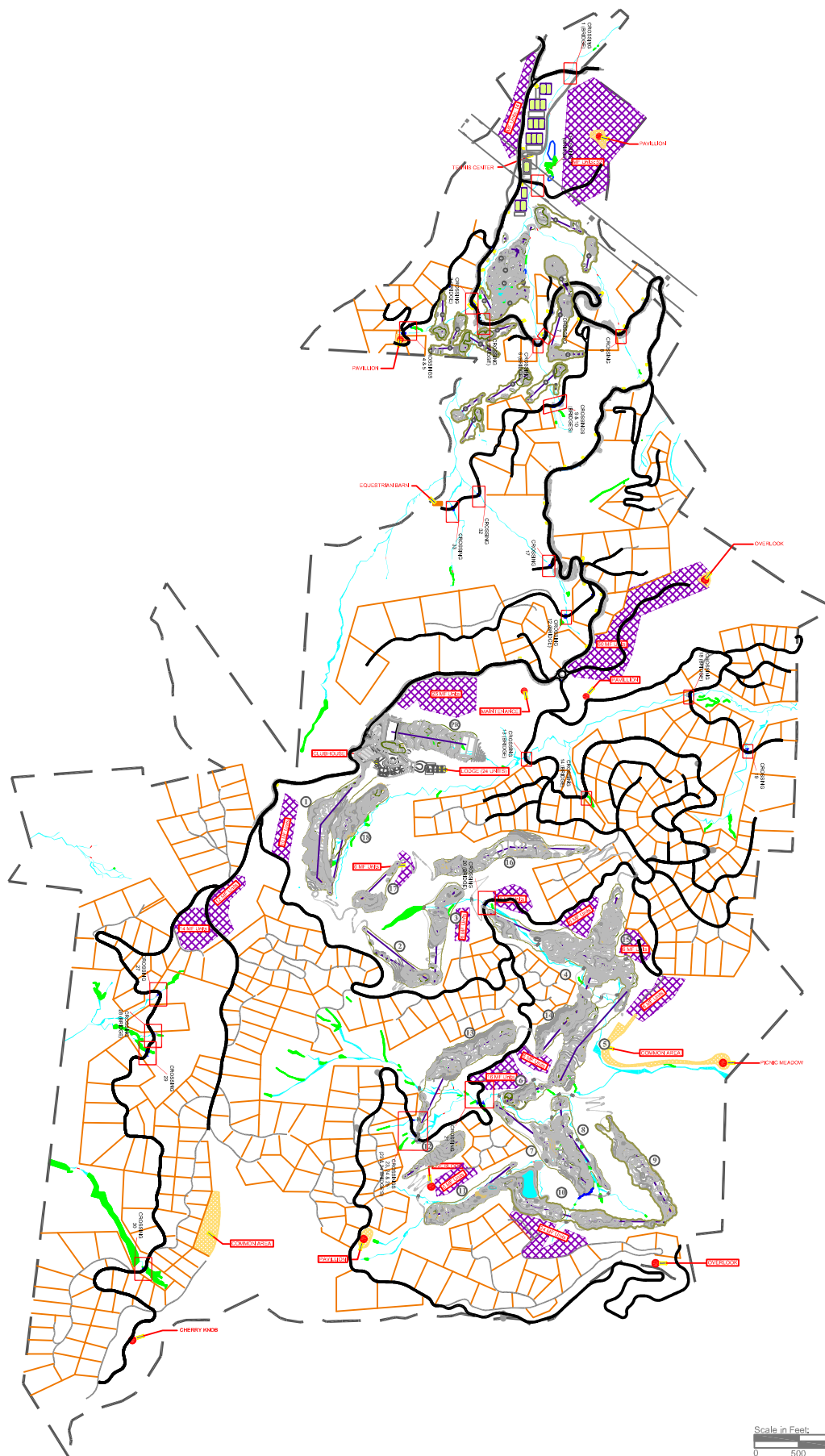
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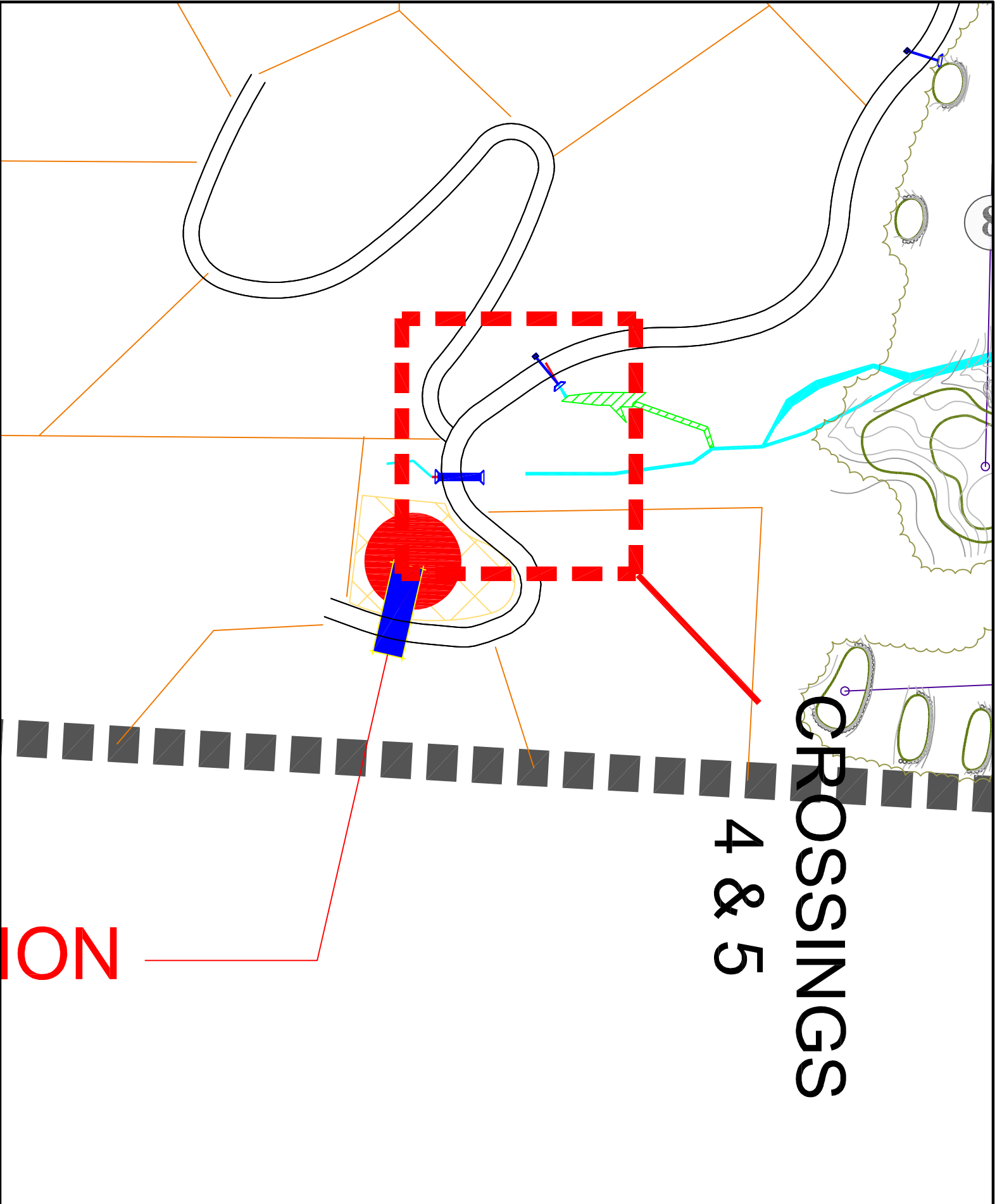
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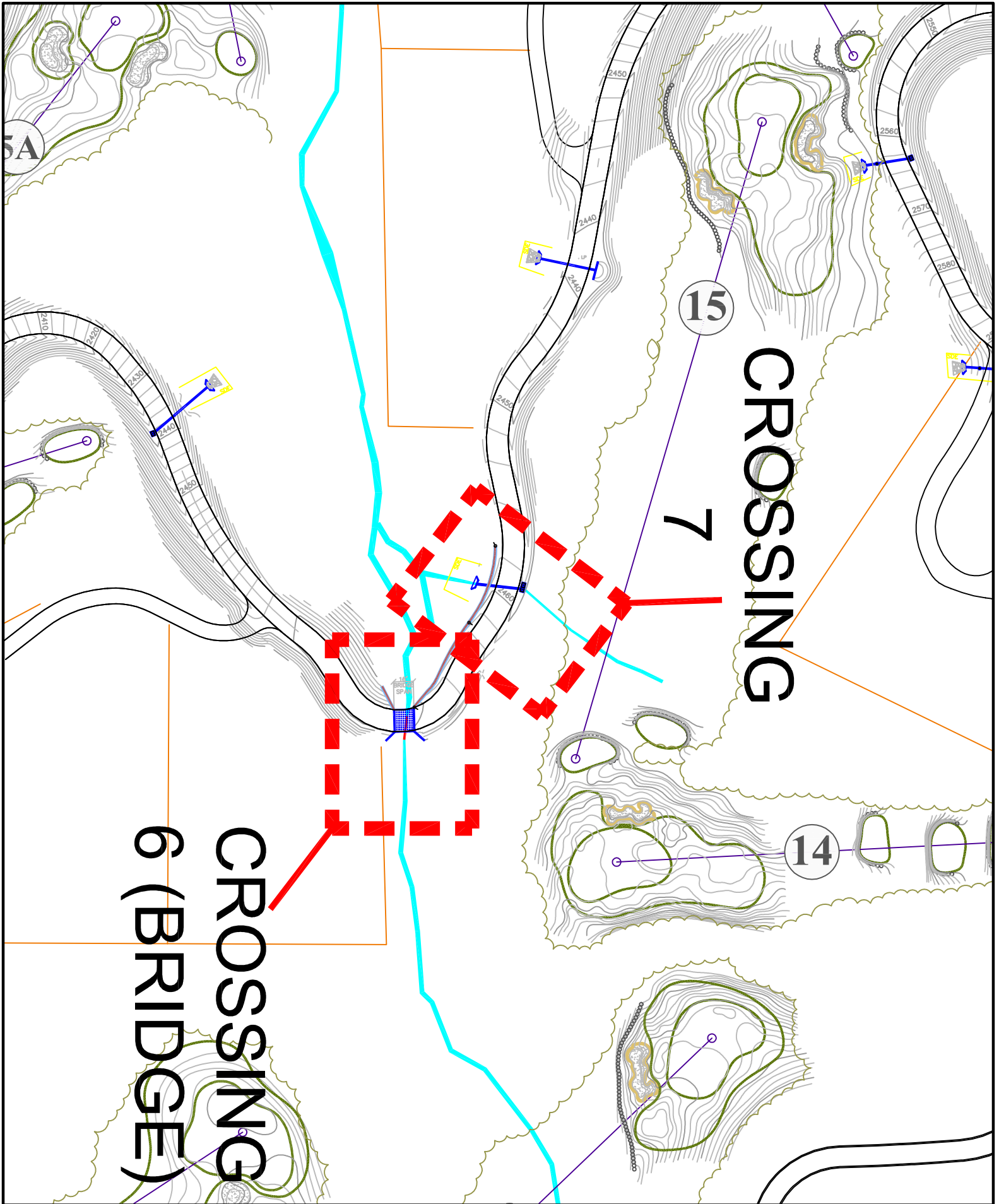


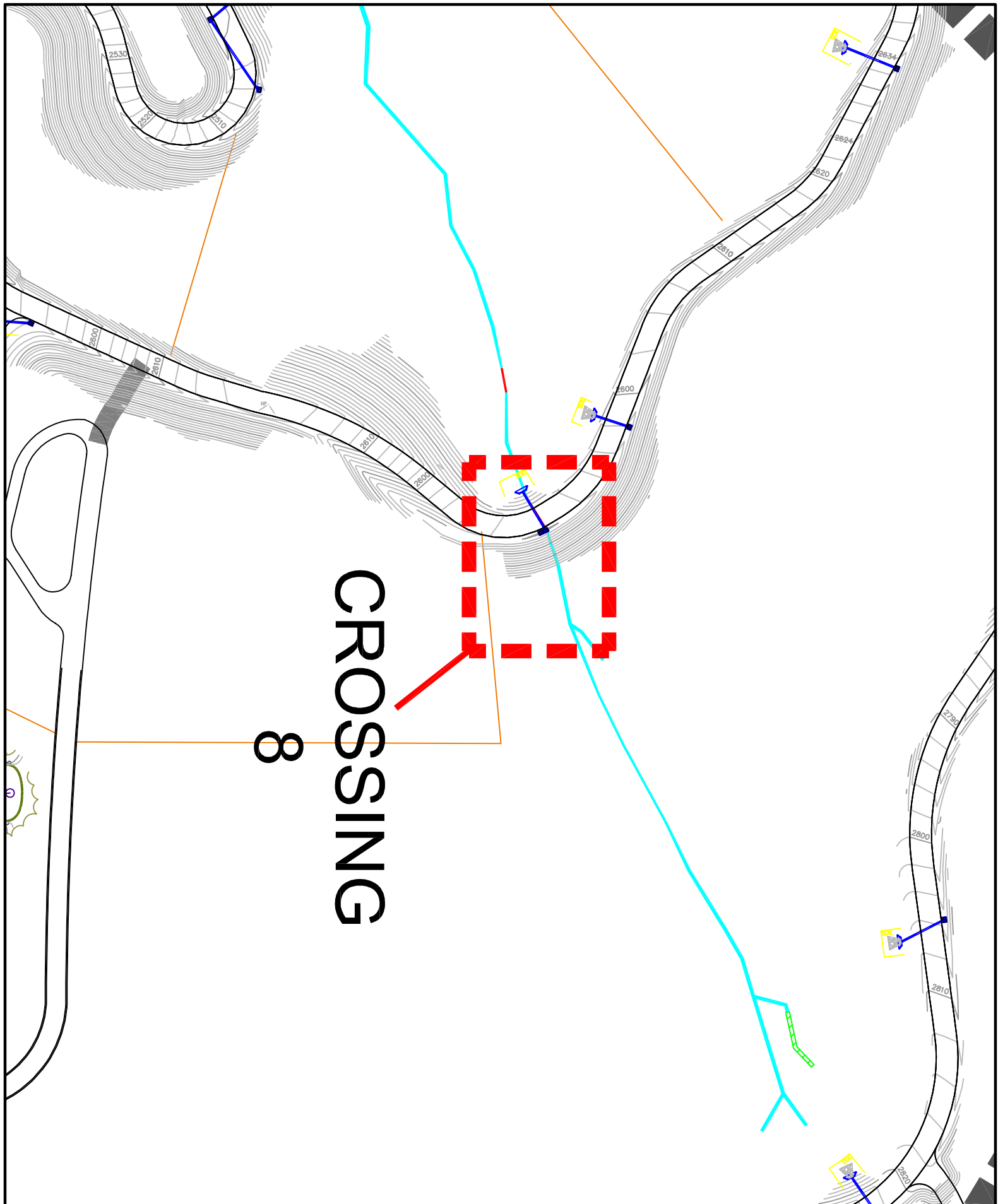
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 Date: 12/6/2007
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Location: 577846 ft. N 761910 ft. E
 Caption: Webster Creek

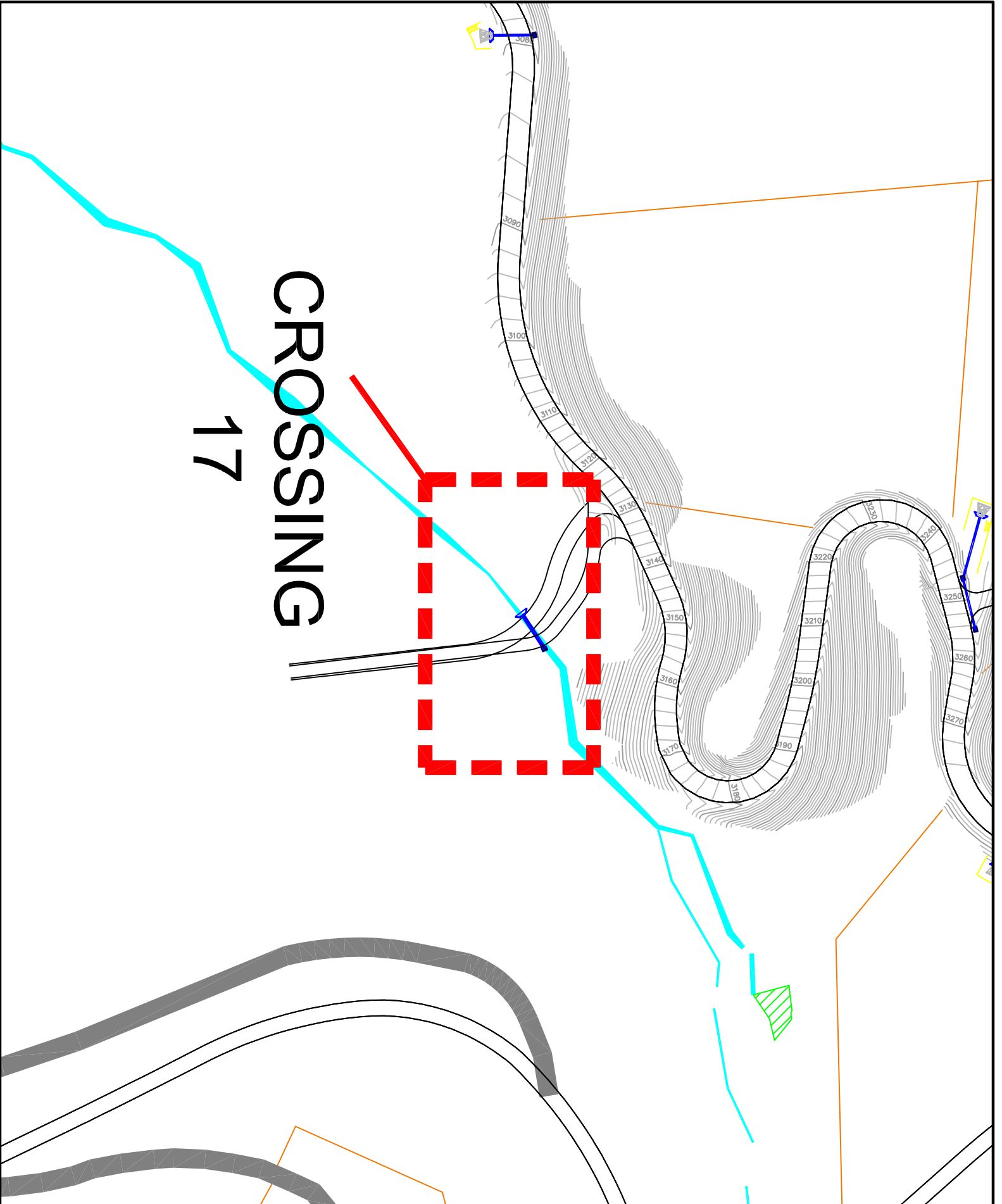


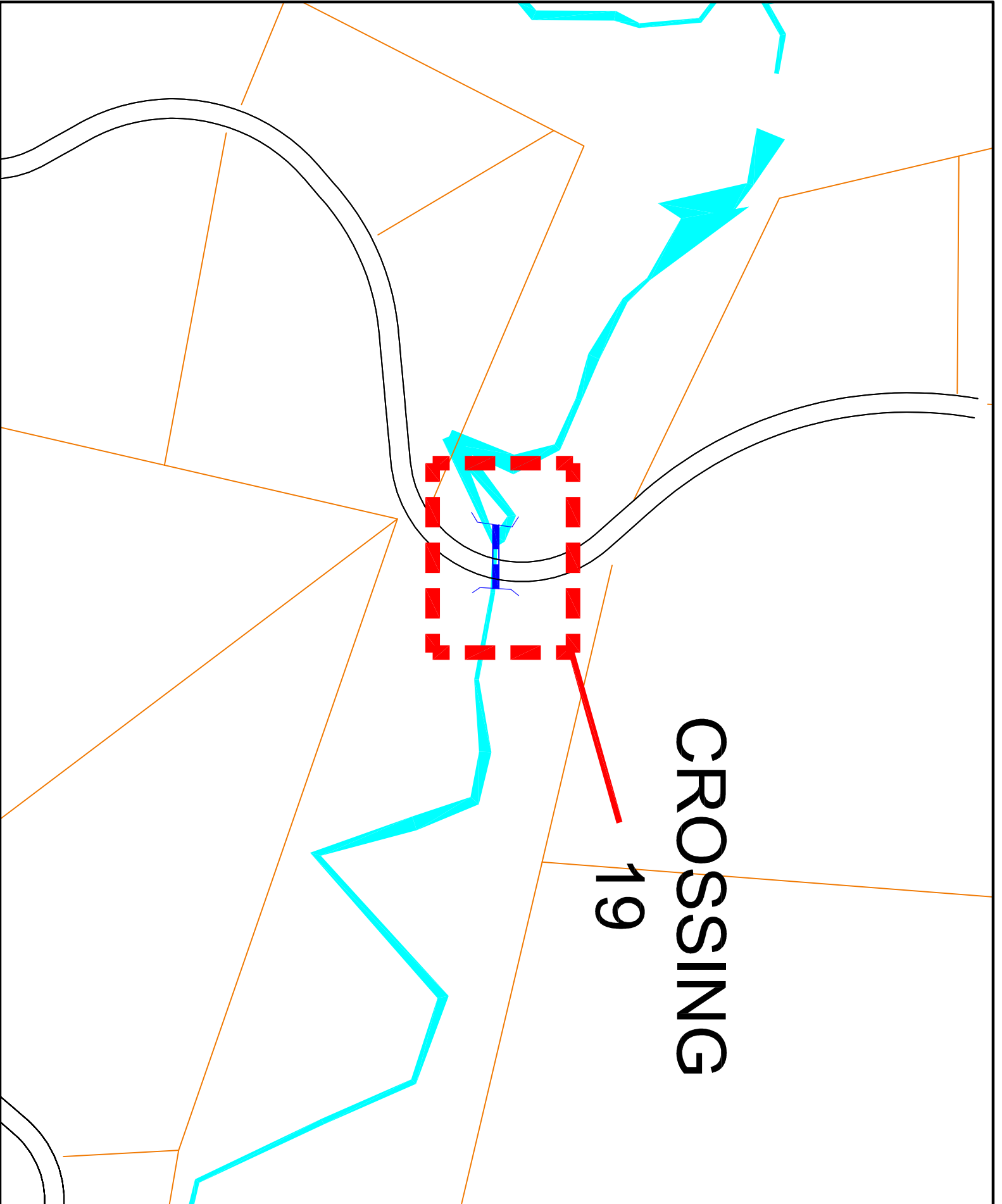


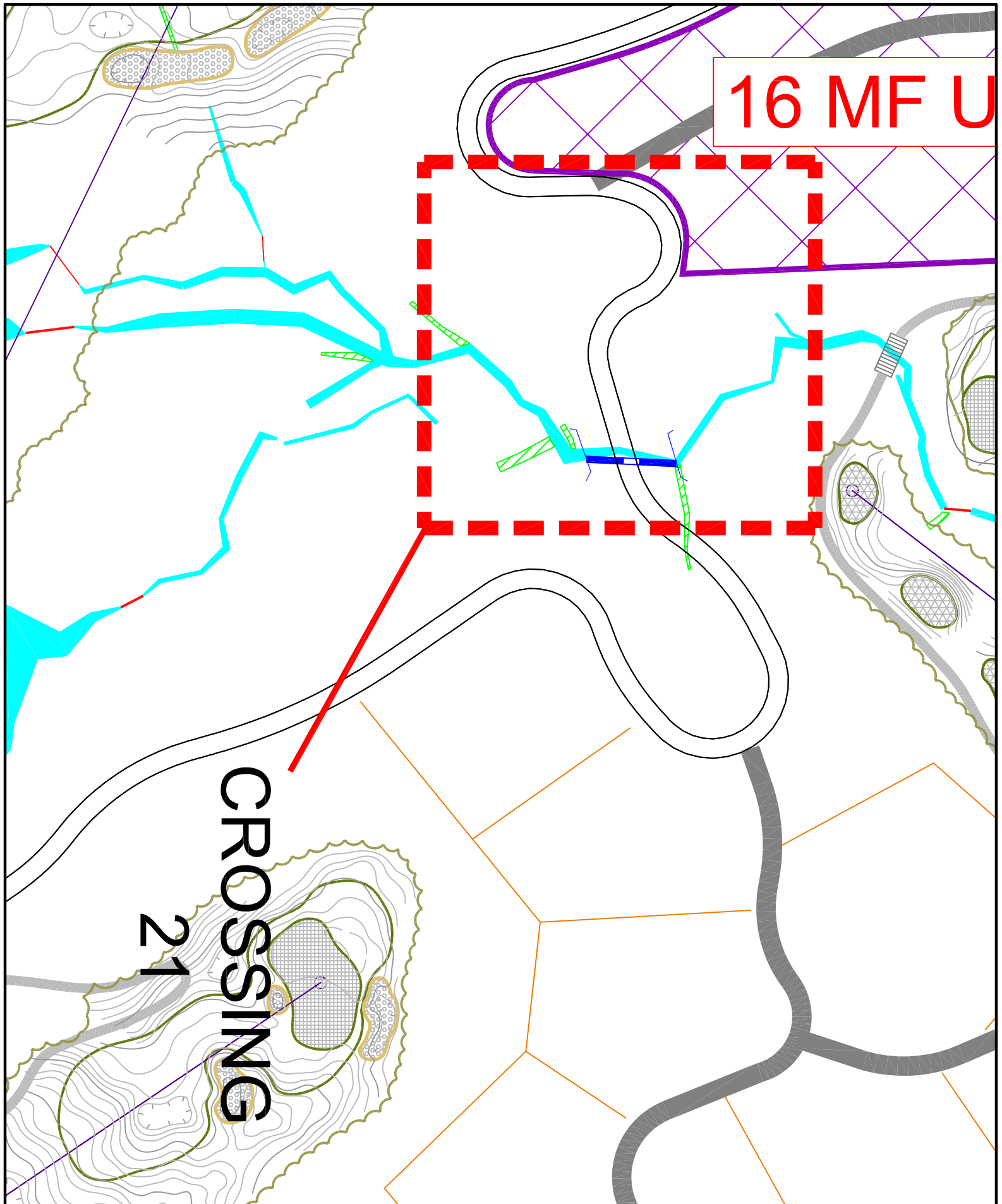


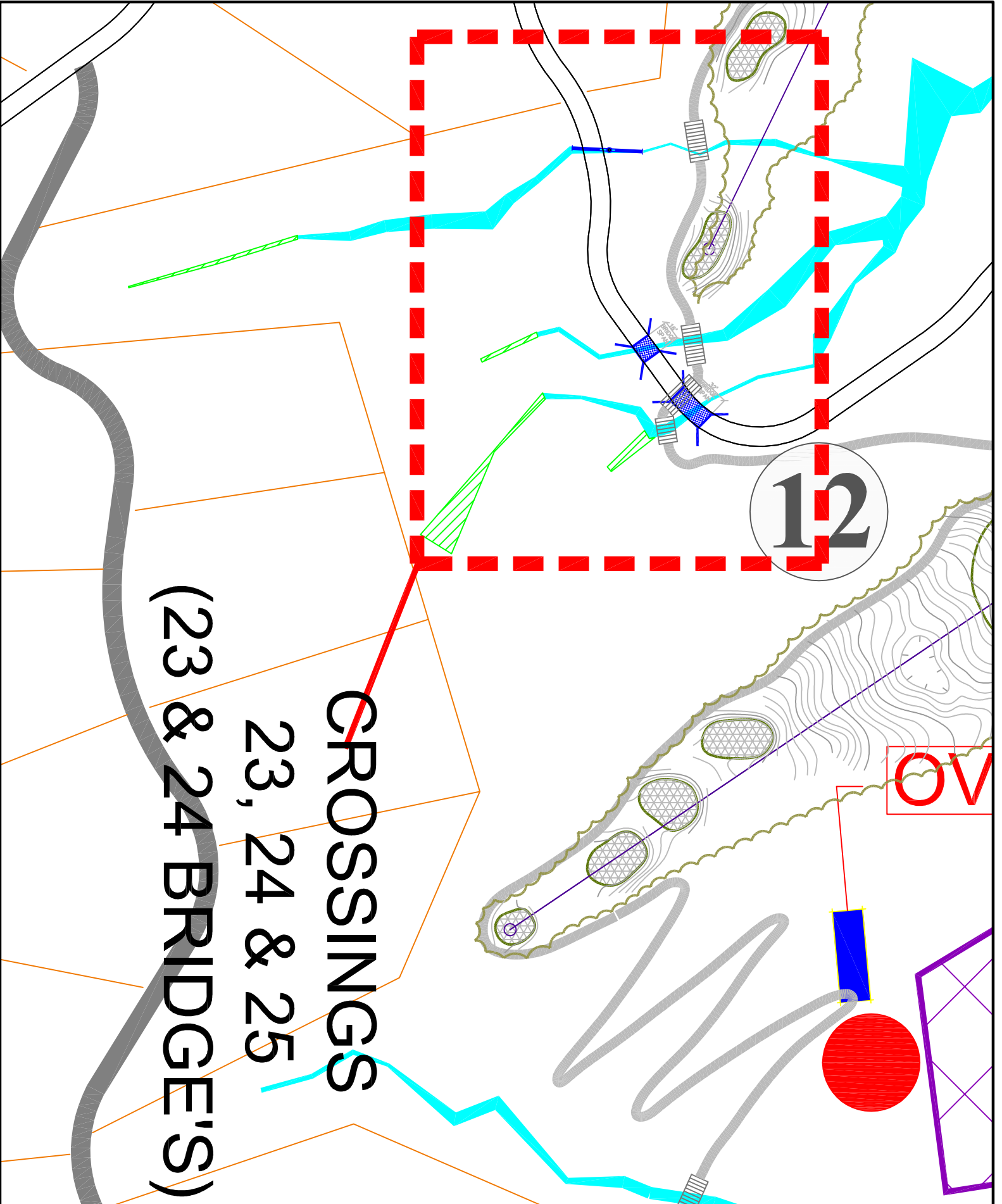


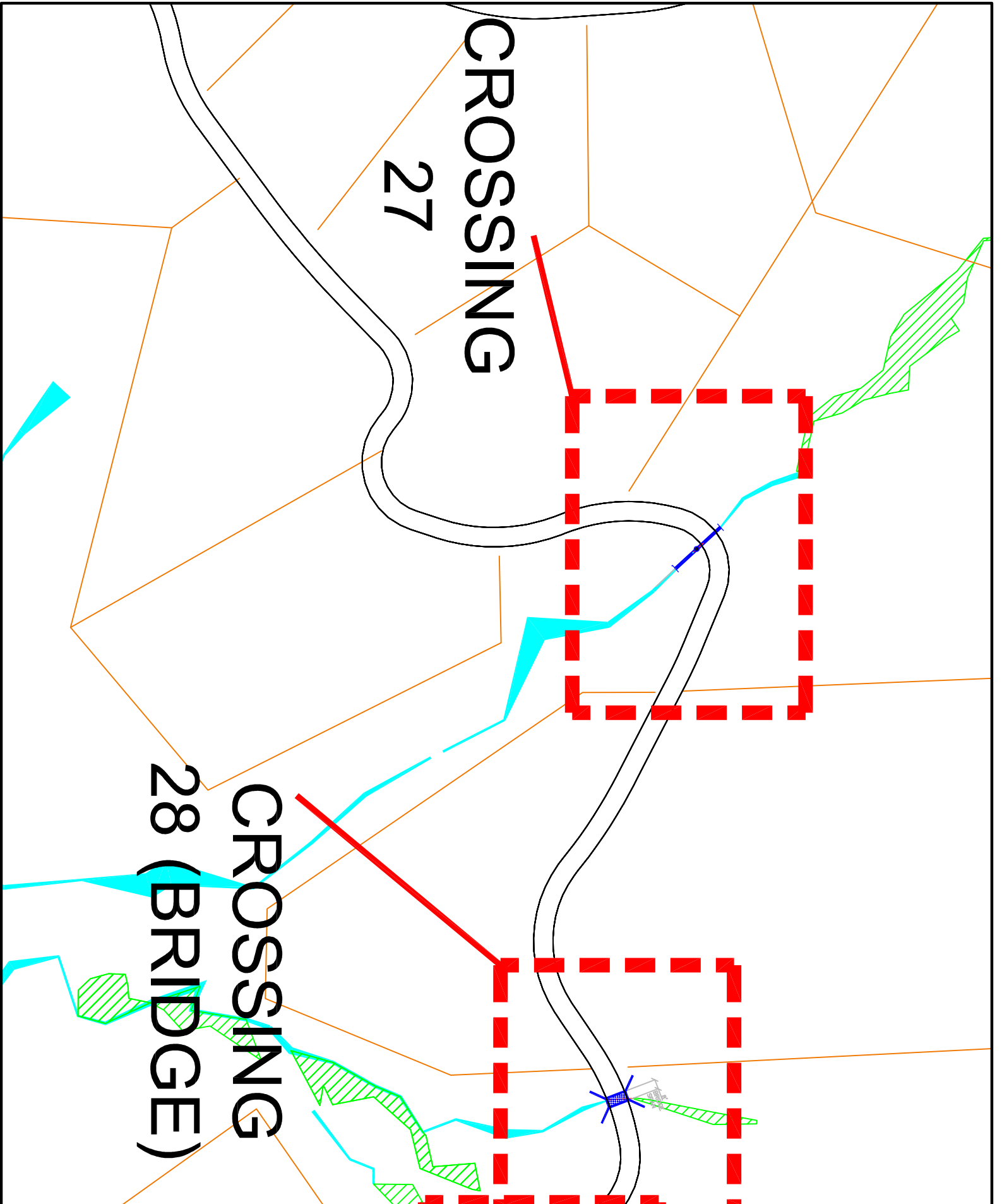
CROSSING 17

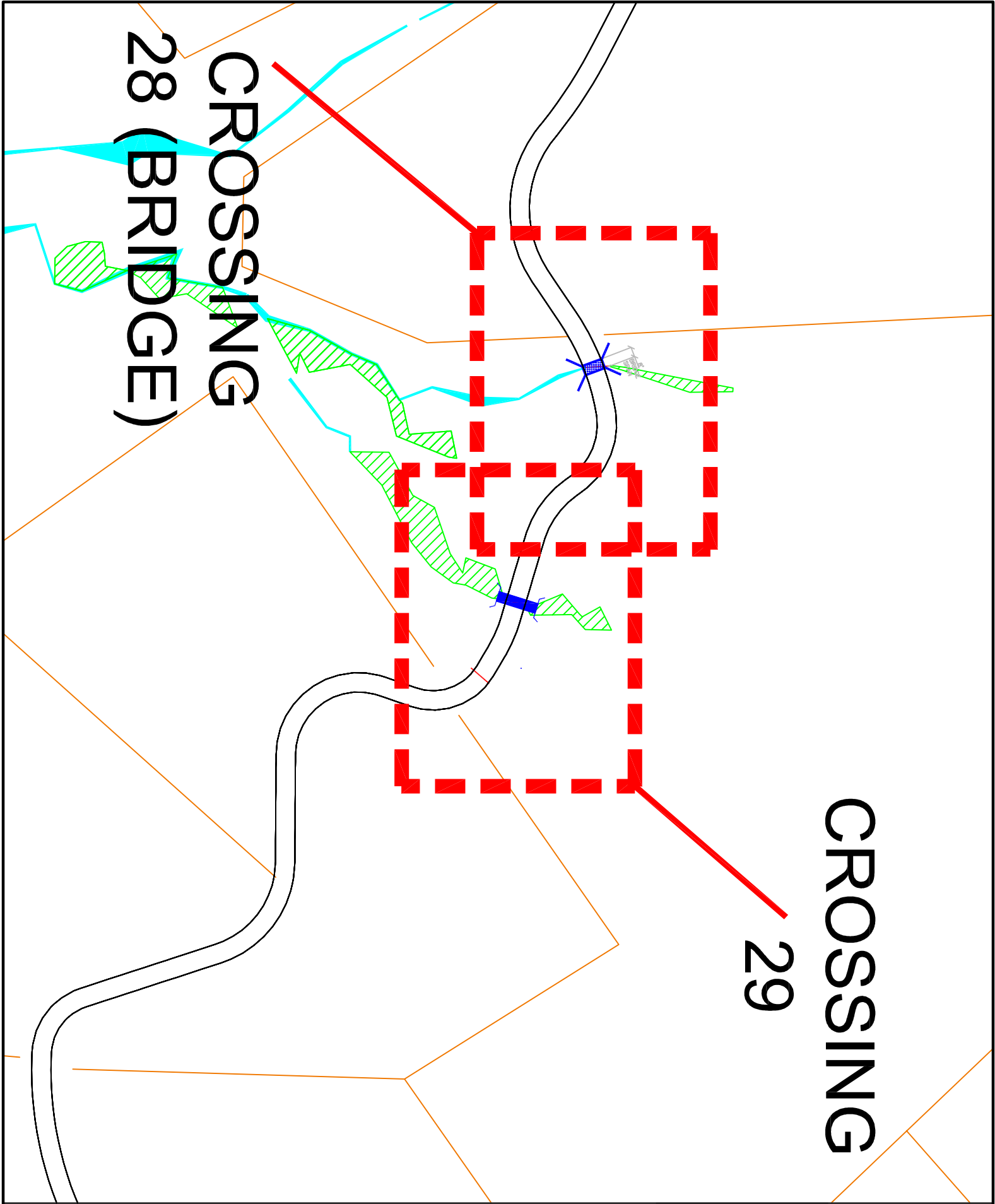


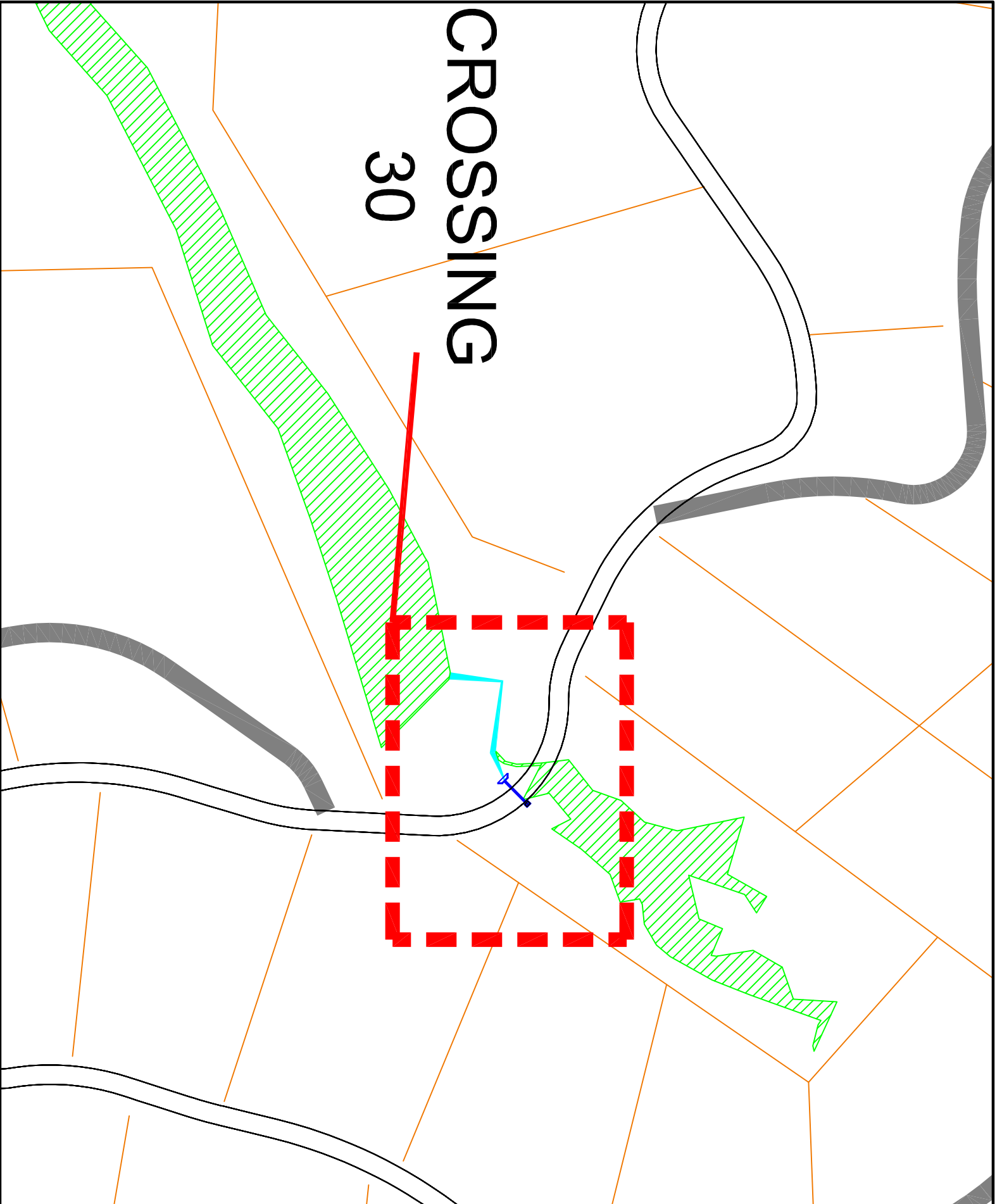


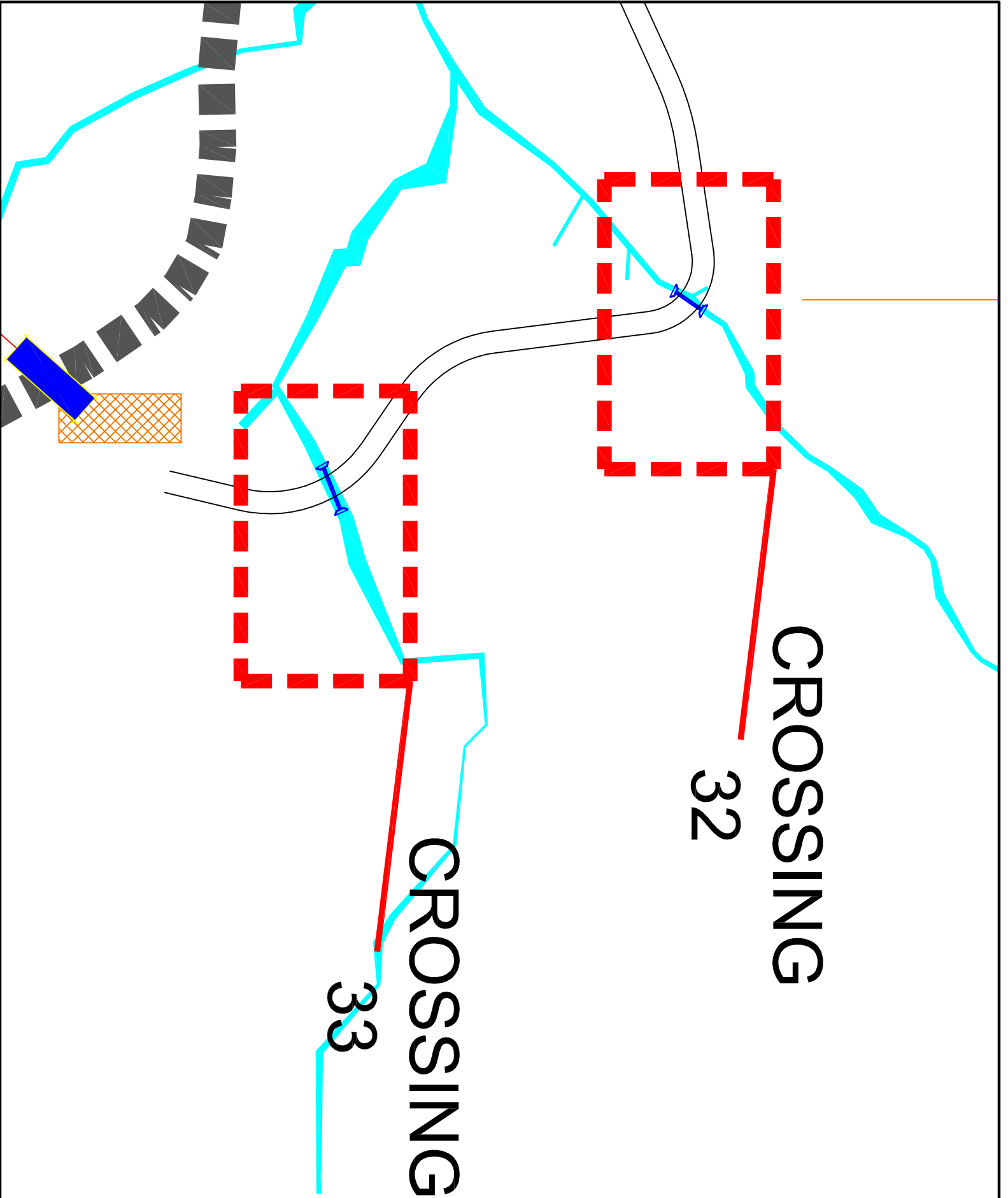


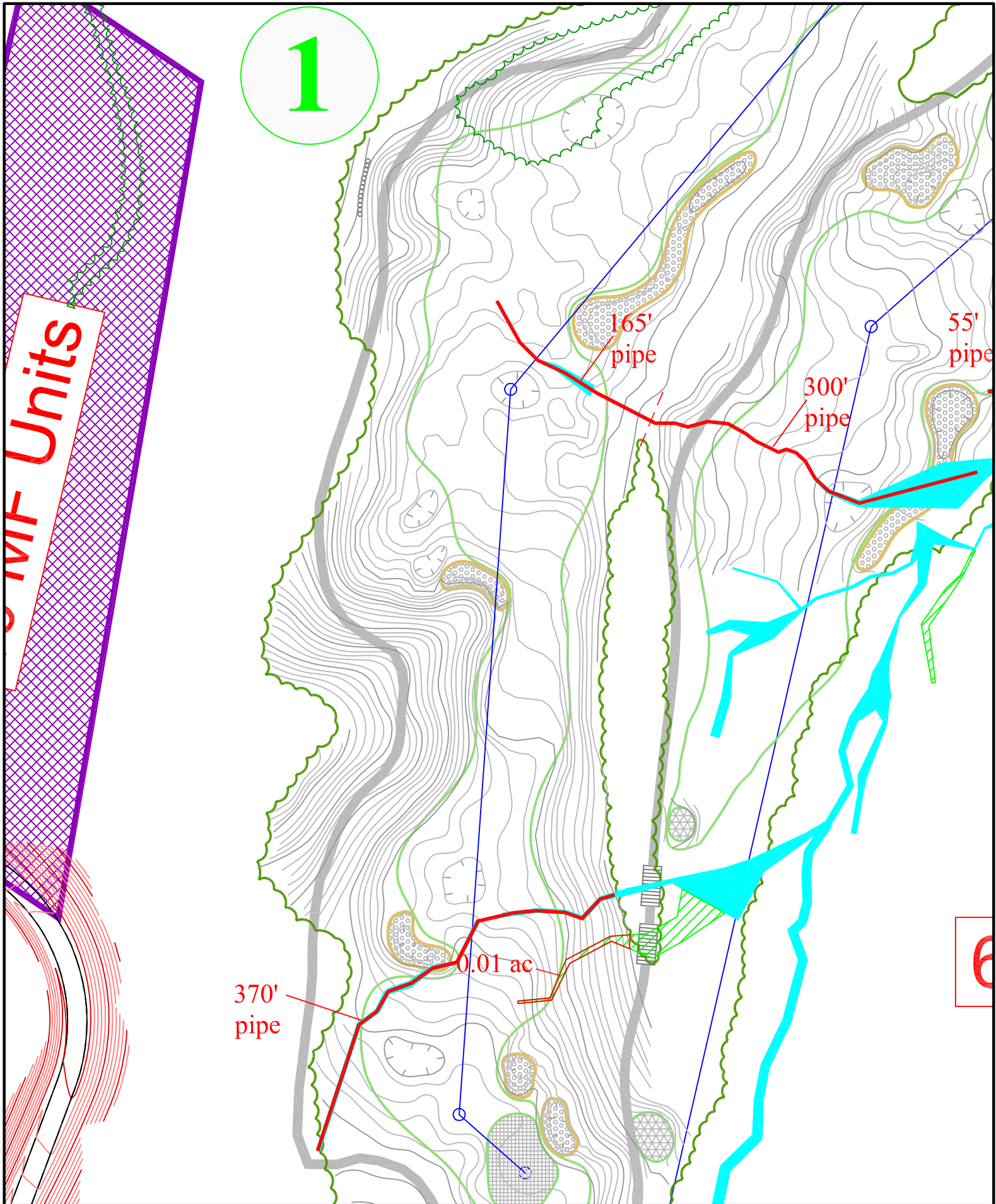












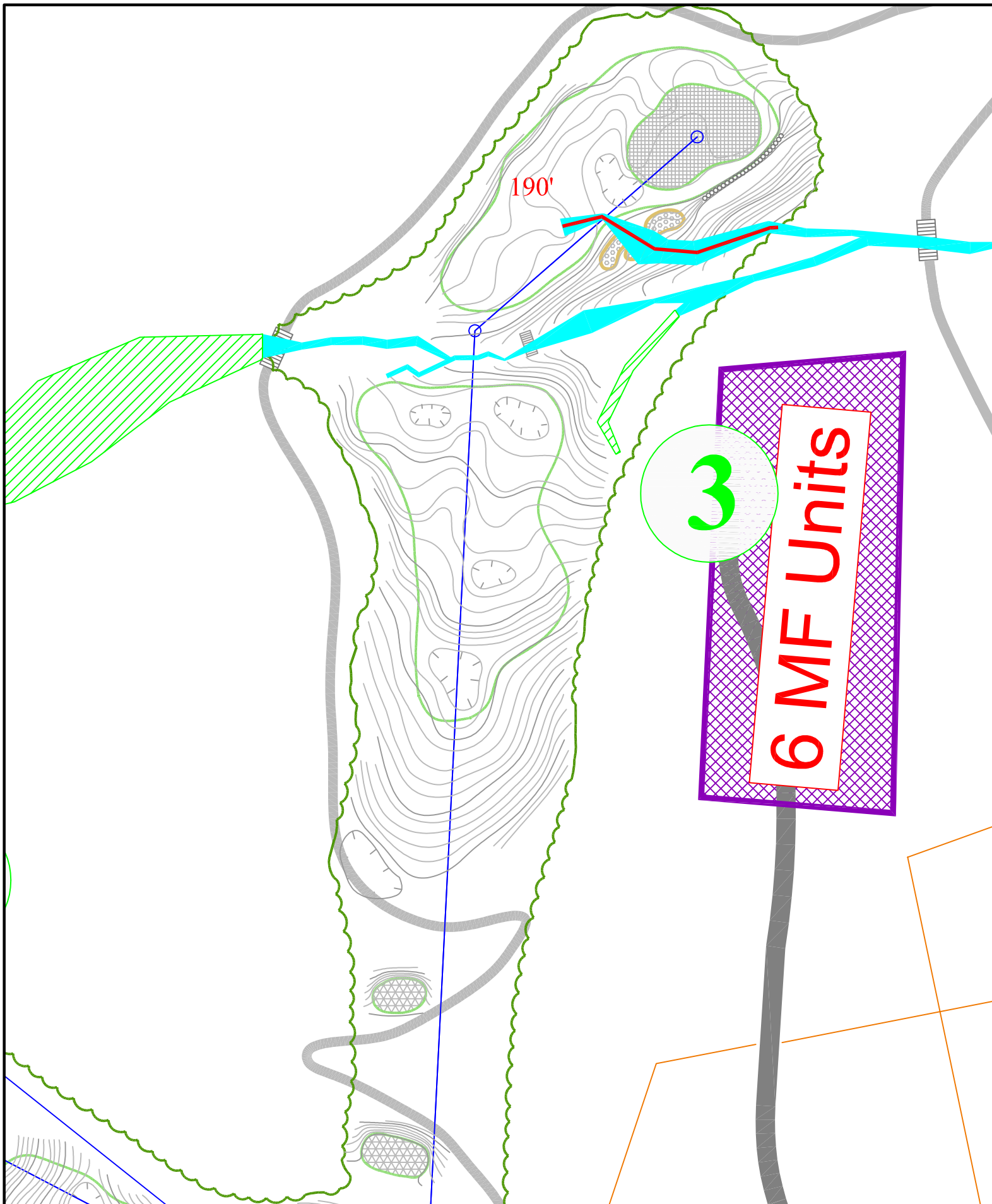
Golf Impacts

Hole #1

WNR

Scale: 1"=100'





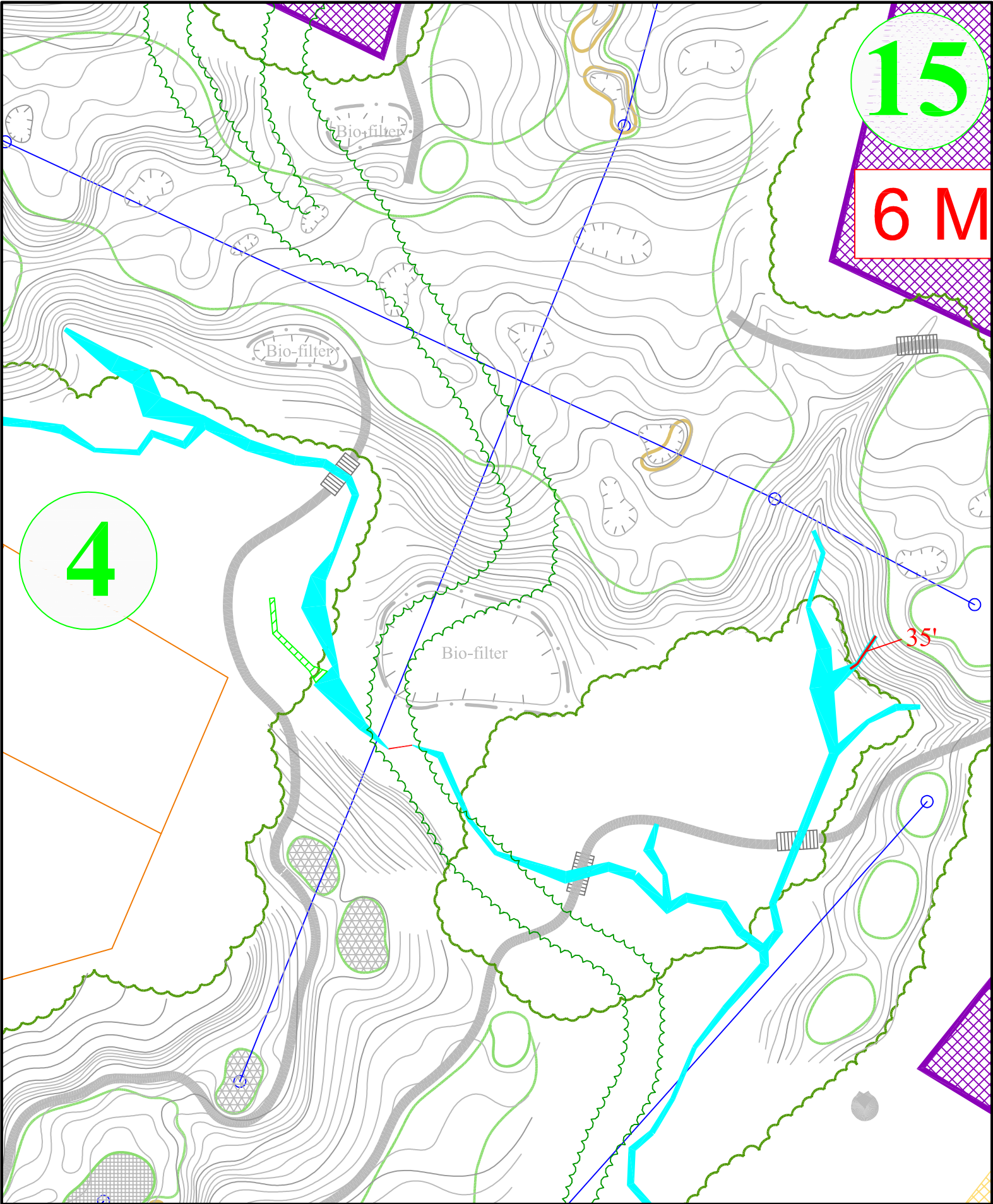
Golf Impacts

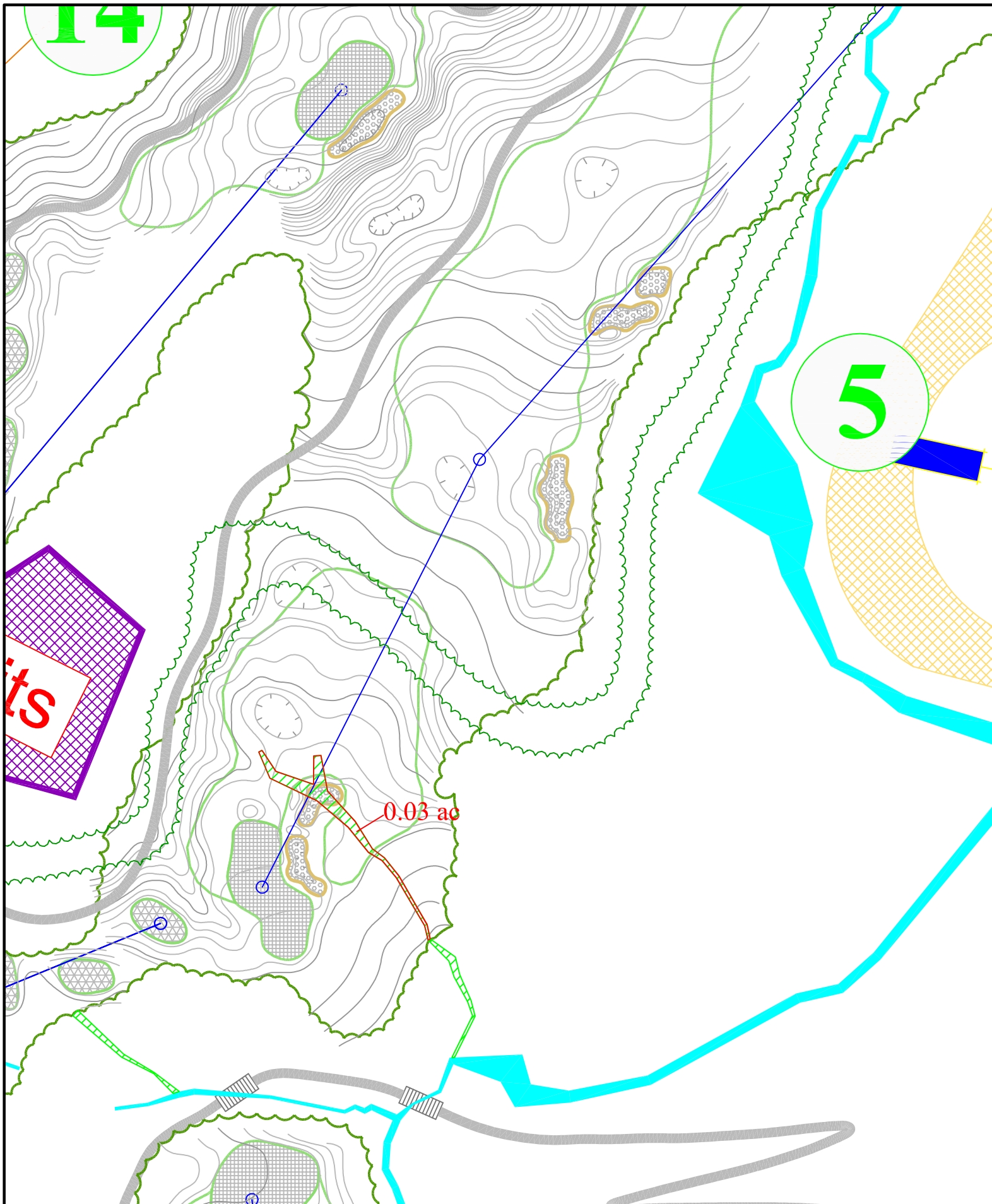
Hole #3

WNR

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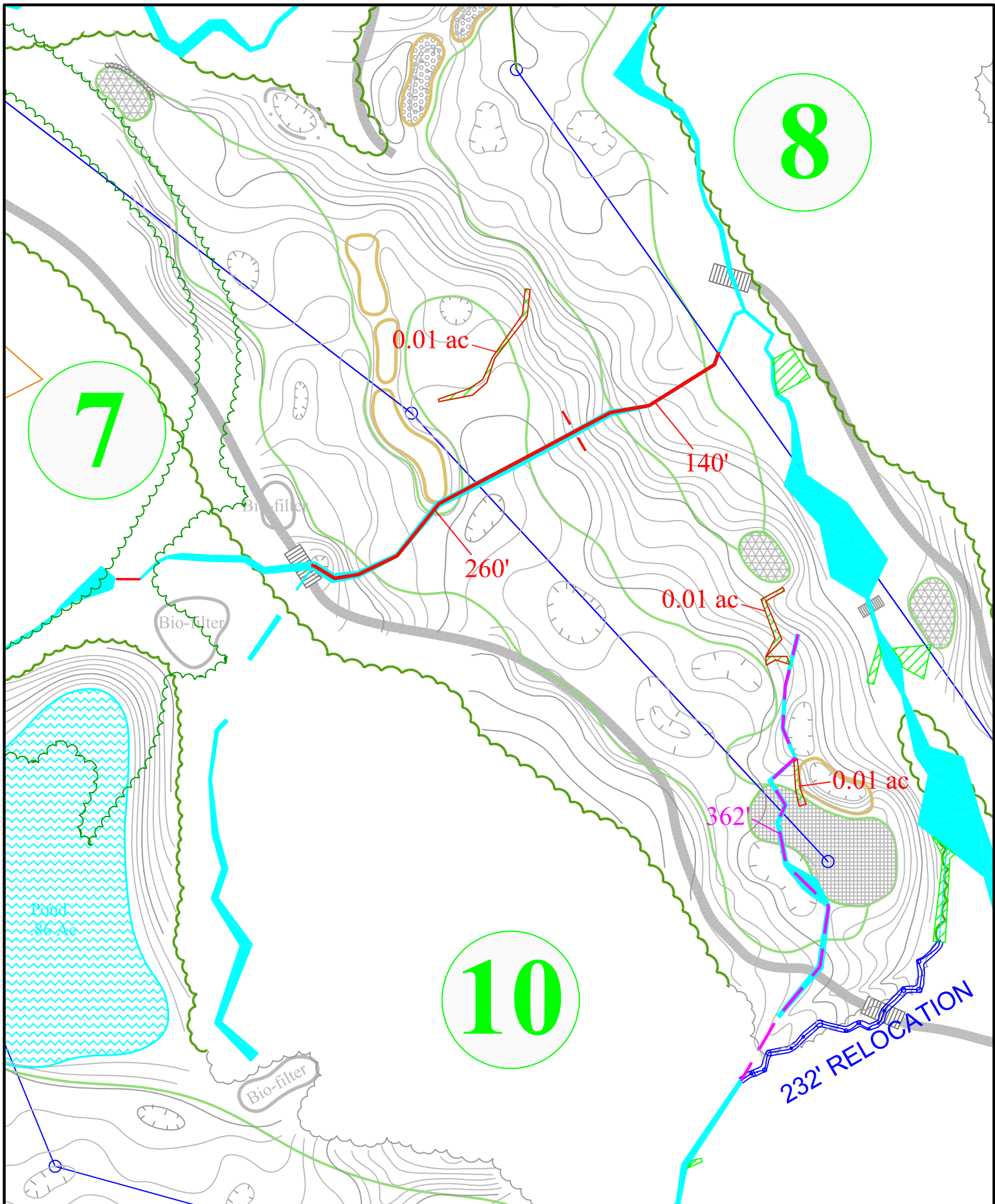
Golf Impacts

Hole #5

WNR

Scale: 1"=100'





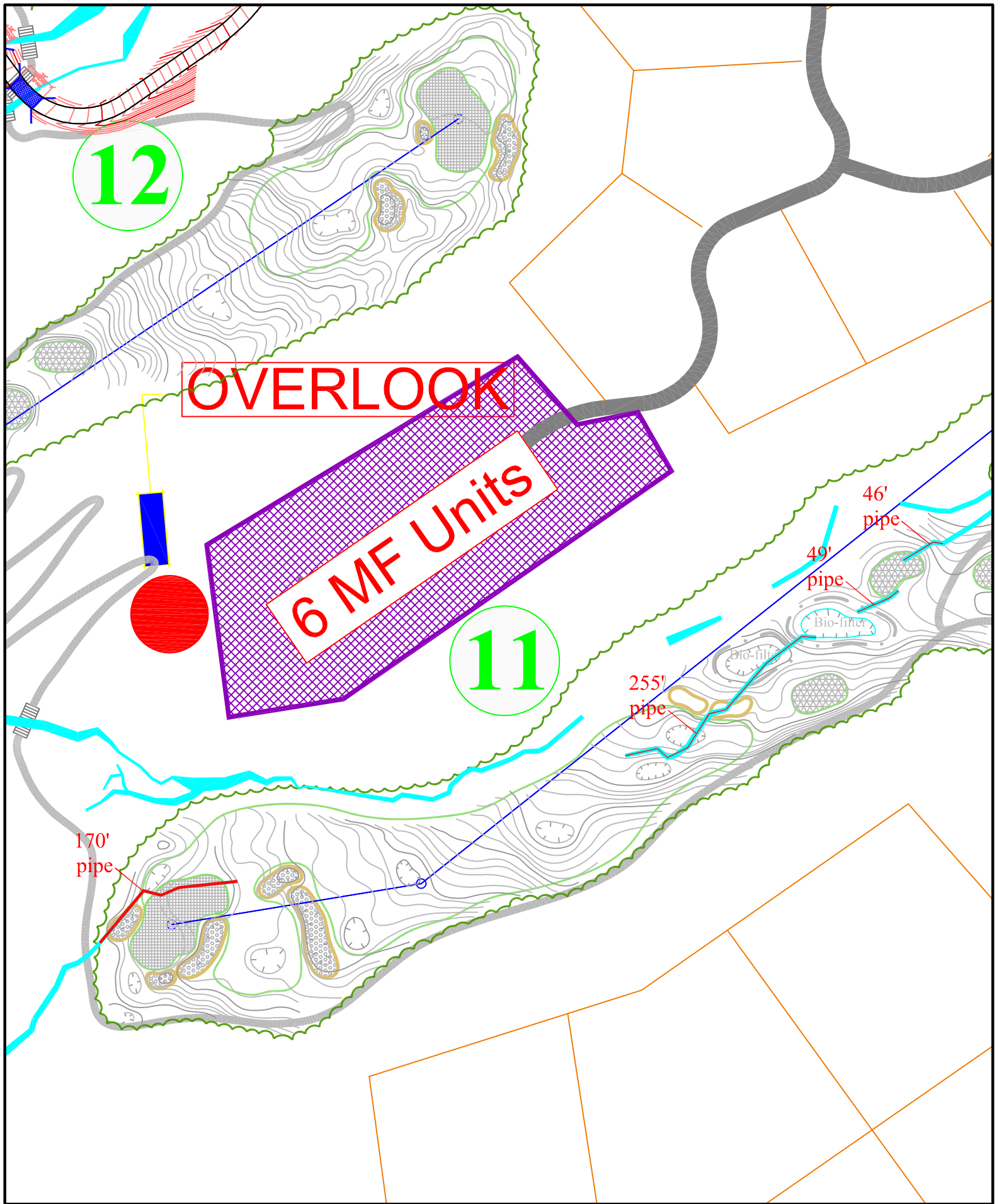
Golf Impacts

Hole #7-8

WNR

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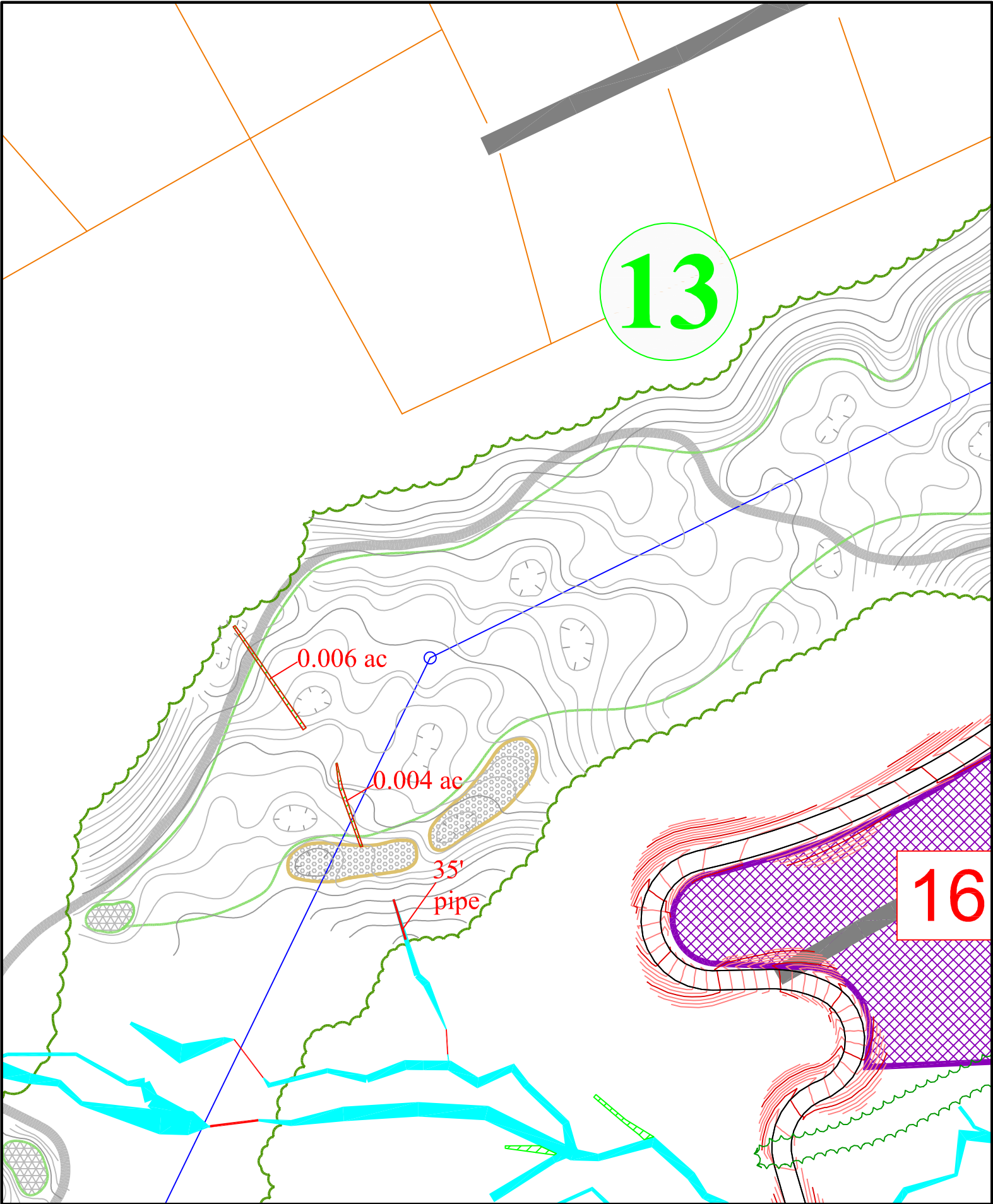
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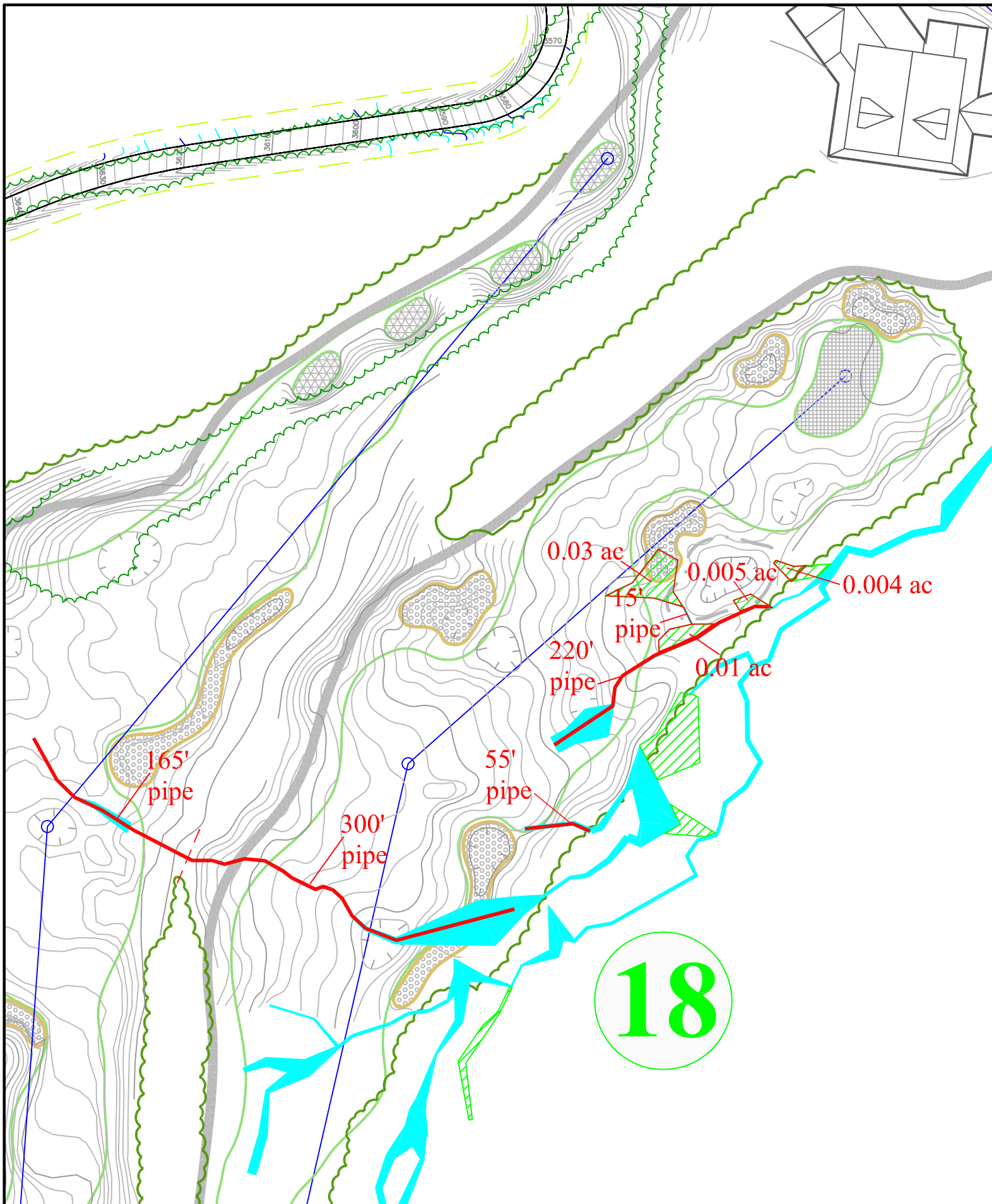
Hole #11

WNR

Scale: 1"=125'







Golf Impacts

Hole #18

WNR

Scale: 1"=100'

